



Cincinnati Police Department
STAFF NOTES

October 18, 2005

Colonel Thomas H. Streicher, Jr., Police Chief

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1. TRAINING PROTOCOL REFERENCE EMPLOYEES UNABLE TO ATTEND

All Department supervisors are directed to contact the Training Section via e-mail regarding the absence of any employee scheduled for training at the Police Academy or Target Range. Every effort will be made to send a replacement from the unit, if possible, due to limited space and sessions for most training.

All correspondence should be e-mailed to Ms. Monica Ervin and copied to Ms. Sabrina Burton-Simonson. Any questions regarding this change should be referred to Mr. Barry Webb, Training Section, at 357-7561.

2. INSTALLATION OF STUDED SNOW TIRES

On November 14, 2005, Fleet Services Division will begin installing studded snow tires on the following vehicles:

Passenger cars (except front wheel drive vehicles)
Pickup trucks
Vans (CDOP)

Studded snow tires will not be installed on Crown Victoria Police Interceptors. These vehicles will have snow chains available at each district for use if necessary.

Districts/sections/units that wish to have studded snow tires installed on authorized vehicles should take the vehicle to the Tire Shop, 1106 Bates Avenue, beginning Monday, November 14, 2005, between 0800 and 1600 hours.

Any questions should be directed to Mr. Tom Meyer, Fleet Services Division, at 352-5462.

3. ELECTION DAY

On Tuesday, November 08, 2005, the Hamilton County Municipal Court will observe Election Day. All courtrooms will be open in the morning only.

Police officers are reminded not to issue citations requiring a court appearance on this date.

4. VETERANS DAY HOLIDAY

On Friday, November 11, 2005, the Hamilton County Municipal Court will observe Veterans Day. All courtrooms will be closed.

Police officers are reminded not to issue citations of any kind requiring a court appearance on this date.

5. E-CHECK TESTING OF DEPARTMENT VEHICLES

All Police Department vehicles more than two years old must have an "E-check" test performed during 2005.

Each bureau/district/section/unit is responsible for ensuring the following is completed for each affected vehicle:

1. An "E-check" payment voucher has been received for each affected vehicle. On October 09, 2005, Fleet Management Unit began distributing these vouchers.
2. Take each affected vehicle to an authorized "E-check" station with the correct payment voucher (the vehicle equipment number is printed on each voucher) and have the "E-check" test performed.
3. Return the completed "E-check" certificate to the Fleet Management Unit via interdepartmental mail within 24 hours if the vehicle passed inspection.
4. In the event of a failed inspection, immediately take the vehicle and the inspection report to an appropriate Department mechanic.
5. After the conditions which caused the vehicle to fail have been corrected, ensure the vehicle is retested at an authorized "E-check" station. After testing, return the completed "E-check" certificate to the Fleet Management Unit within 24 hours if the vehicle passed.
6. All "E-check" certificates must be turned in to Fleet Management Unit.

All "E-checks" must be completed and the proper documentation forwarded to Fleet Management Unit by November 01, 2005.

Any questions should be directed to Mr. David Diersing, Fleet Management Unit, at 352-6365.

6. RAND CORPORATION SURVEYS

Last week the RAND Corporation conducted two information sessions at the Police Academy regarding their report "Improving Police/Community Relations in Cincinnati" to be released in December. A portion of the research was conducted by Schulman, Ronca & Bucuvalas, Inc. (SRBI) by surveying police officers through the mail. Officers should be aware that SRBI must adhere to Federal law that protects the confidentiality of the respondents. No personal information will be released by RAND or SRBI.

It is extremely important that officers' opinions are contained in the final report. Officers are encouraged to complete the surveys and return them to SRBI. Only officers who were originally selected can participate.

Officers in need of a duplicate survey may contact Mr. Joseph Blechman of SRBI at 212-779-7700 ext. 134. Surveys may be requested through email at j.blechman@srbi.com and must contain the name and address of the requestor for verification purposes.

7. CENSUS BUREAU SURVEY

Beginning October 2005, field representatives from the U.S. Census Bureau will visit 45,000 randomly selected households nationwide to conduct the Survey of Income and Program Participation (SIPP).

Field representatives conducting interviews will carry official photo identification cards. Officers should be aware that these personnel will be in our neighborhoods.

8. REVISION OF [PROCEDURE 12.260](#), WARRANTS FOR ADULTS: SERVICE AND RECORDING AND NEW FORM 637, COLD CASE FUGITIVE FORM

Procedure 12.260, Warrants for Adults: Service and Recording, has been revised. Section C. has been added for standardization of service of cases determined to be cold case warrants. Other minor revisions have been made.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

Additionally, a new form has been created to correspond with the service of the cold case warrants. Form 637, Cold Case Fugitive Form, will be used to track the investigation of all assigned cold case warrants.

To access the Form 637, open the Word application. Select "New" in the file menu, select "General Templates" on the right-hand side of the screen and click on Form 637.

9. REVISION OF [PROCEDURE 12.270](#), IMPOUNDING, MOVING, AND RELEASE OF VEHICLES

Procedure 12.270, Impounding, Moving, and Release of Vehicles, has been revised. Numerous changes have been made throughout the procedure.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

10. REVISION OF PROCEDURE 12.545, USE OF FORCE

There have been several revisions to Procedure 12.545, Use of Force.

Every three months supervisors are responsible for downloading the data stored on the X26 Taser chip of their assigned personnel. This information is then stored in a file at the officer's district/section/unit. In addition to retaining the downloaded hard copy, supervisors are now required to electronically save the data to the H: drive in the "Taser_Downloads" folder. Instructions for electronically saving the data can be accessed by opening the PDF file titled, "Taser_Download instructions" located in the "Taser_Downloads" folder on the H: drive. Supervisors are only required to download and save the data for the previous three month period.

In the narrative portion of the Form 18, a statement indicating that the subject of the use of force was interviewed as part of the investigation and a statement identifying the supervisor who conducted the interview are required.

Supervisors are now required to tape record the interview of a subject of a use of force who makes an excessive force allegation. The tape recording of the interview is only required when the excessive force complaint is in conjunction with a use of force investigation. The taped interview should focus on the complaint allegation, not the use of force investigation.

Supervisors now must tape record use of force investigations involving the use of the X26 Taser if the subject of the use of force was handcuffed at the time of deployment.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

11. REVISION OF PROCEDURE 12.825, COMPENSATORY TIME AND PAID OVERTIME AND FORM 202C, WEEKLY TIME REPORT

Procedure 12.825, Compensatory Time and Paid Overtime, has been revised. A definition of Reimbursable Overtime has been added. Additionally, a supervisor's signature on the Form 68P, Overtime and Court Appearance Report, "Overtime Pre-approved By" block, is not required in cases of contingency or reimbursable overtime. Some examples of situations where the signature is not required are details assigned by Detail Coordination Unit (DCU), preplanned City paid details, SWAT incidents, etc. In these instances, the name of the unit, i.e., DCU, or the supervisor authorizing the overtime, will be entered in the "Overtime Pre-approved By" block. This list of examples is not all inclusive. If there is a question about whether or not a supervisor should sign the Form 68P, the supervisor will sign the form in the "Overtime Pre-approved By" block.

This revision is effective immediately. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

Additionally, all non-sworn employees will complete a Form 202C, Weekly Time Report. FLSA non-exempt non-sworn employees will no longer use the Form 434, Non-sworn Employees' Daily Time Report.

This revision is effective immediately. To access the Form 202C, open the Word application. Select "New" in the file menu, select "General Templates" on the right-hand side of the screen and click on Form 202C.

12. THANK YOU LETTERS

[Attached](#) to these Staff Notes are several letters of appreciation and praise written to the Police Chief for the professionalism displayed by our Department and specifically the following officers:

Captain Gary Lee
Sergeant Ken Isham
Police Officer Terry Peirano
Police Officer Brian Hoehler
Police Officer Terrence Sherman
Police Officer Kahlya Derkson
Police Officer Derrick Hill

Sergeant Dan Hils
Police Specialist Brett Gleckler
Police Officer Tim Pappas
Police Officer William Fagin
Police Officer Robin White
Police Officer Chris Thomas

13. LETTER FROM LIEUTENANT TOM LANTER

[Attached](#) to these Staff Notes is a thank you letter from Lieutenant Tom Lanter, Inspections Section.

12.260 WARRANTS FOR ADULTS: SERVICE AND RECORDING

Reference:

Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders

Procedure 12.900 - Processing Juvenile Offenders

Purpose:

Establish a uniform system for handling warrants throughout the Police Department.

Identify the warrant service responsibilities of police districts/sections/units receiving warrants for service.

Policy:

District/section/unit commanders will continually review and evaluate the warrant load of the unit and ensure the load remains at a manageable level.

Procedure:

A. Recording Warrants

1. Hamilton County Central Warrants Processing Unit (CWPU) will prepare warrants and forward as follows:
 - a. Misdemeanor warrants will be forwarded to the appropriate unit based upon the defendant's address.
 - b. Felony warrants signed by citizens will be forwarded to Criminal Investigation Section (CIS).
 - c. Felony warrants signed by police officers will be forwarded to the police officer who signed the warrant.
2. CWPU will prepare warrants with the name, address, date processed, warrant number, charge, bond (if any), date of offense, and assigned district.
3. Warrants sent to the wrong district/section/unit will be forwarded to the correct district/section/unit through the interdepartmental mail.

- a. Form 481, Cincinnati Police Warrant Transfer, will be completed in duplicate.
 - 1) The original will remain with the transferring unit.
 - 2) The copy will be forwarded with the warrant.
4. Units will immediately enter warrants in the unit database.
 - a. Felony warrants will be assigned to the police officer who signed the warrant.
 - b. Misdemeanor warrants will be assigned to the beat officer who signed the warrant or who is assigned to the beat of the defendant's last known address.
 - c. City warrants for county residents will be assigned to the unit warrant officer.
 - d. An Open Warrant List will be printed and distributed on a daily basis to all district/section/unit personnel after warrant assignments are made.
 - 1) A listing of capiases issued on the previous court date will also be attached.
5. When a warrant is paid out or recalled by the Clerk's Office or Records Section, or bond is posted, CWPU will notify the assigned district/section/unit by teletype.
 - a. The units will note the recall in the unit database.
6. Record any information relative to a warrant on the Open Warrants List.
7. Process warrants for persons held at the Hamilton County Justice Center or other correctional facilities through CWPU.
 - a. When the serving officer learns of the incarceration, the officer will contact CWPU for further instructions.
8. At the end of each calendar month, all affected units will submit a Warrant Report. The report will include the following information:
 - a. Warrants on hand at the beginning of the work period.

- b. Warrants received during the work period.
 - c. Warrants processed during the work period.
 - d. Warrants on hand at the end of the work period.
9. At the end of each calendar month, all affected units will notify Patrol Administration of how many felony warrants were received and how many were served.

B. Serving Warrants

1. Service areas for warrants
 - a. Criminal warrants issued for City of Cincinnati cases ordered by the judiciary are the responsibility of the Cincinnati Police Department. The service areas for Hamilton County follow U.S. Postal zones. The following zones will serve as boundaries outside the City limits:
 - 1) Service areas for District Two: 45230, 36, 42, 43, 44 and parts of 45111 (Camp Dennison), 45140 (Loveland) and 45174 (Terrace Park) within Hamilton County.
 - 2) Service areas for District Three: 45211, 33, 38, 48 and parts of 45001 (Addyston), 45002 (Cleves), 45030 (Harrison), 45033 (Hooven), 45041 (Miamitown), 45051 (Mt. St. Joseph) and 45052 (North Bend) within Hamilton County.
 - 3) Service areas for District Four: 45212, 15, 16, 17, 37, 41, and 46 within Hamilton County.
 - 4) Service areas for District Five: 45218, 24, 31, 39, 40, and 47 within Hamilton County.
2. Record all information obtained about the wanted person on a Form 311 and return to the warrant officer.
3. If the warrant can be served at an address different than the one listed, the police officer will complete a Form 481 and forward it to the correct district/section/unit.
4. Units will attempt to serve the warrants within a 30 day period.

- a. Do not return "Unable to Serve" within the 30 day period when there is an indication the subject lives at the listed address.
 - 1) In multiple-unit dwellings, at least two persons, identified by name, must verify the subject does not live at that address.
 - 2) Contact the manager or owner of the dwelling for verification and possible forwarding address.
- b. If the wanted person moved or is not known to reside at the stated address, check the City Directory, Telephone Directory, Regional Crime Information Center (RCIC) system and the Internet (www.courtclerk.org, etc.) for a new address.
- c. If no information is secured by these means, request the post office branch serving the area to furnish a forwarding address.
 - 1) Use a Form 675P, Address Information Request, to contact the post office.
- d. Canvass the neighborhood for information concerning wanted persons (neighbors, store clerks, postal workers, etc.).
- e. If there are children of school age in the wanted person's family, contact the Cincinnati Public School's Student Information System (Phone: 363-0380) for the student's current address.
 - 1) For this purpose, provide the full name of the child, birth date or age, and the names of both parents.
- f. Explore the possibility of a transposition of street numbers or the chance the named street might be in a neighboring community.
- g. When returning a warrant "Unable to Serve", officers will note on the Open Warrants List the reason for this and forward the warrant to the warrant officer.
 - 1) The unit will note the information in the unit database.

C. Cold Case Warrants

1. Felony warrants unable to be served after the 30 day period will be considered cold case warrants. The Major Offenders Unit (MOU) Commander will request RCIC initiate a query of the master name file. RCIC will return a list of persons who have a warrant for any felony of violence outstanding for more than 30 days. The MOU Commander will identify the most violent offenders and develop a list for dissemination. This list will be divided into the following two categories and sent to the investigative units.
 - a. Offenses normally investigated by the Patrol Bureau.
 - b. Offenses normally investigated by the Investigations Bureau.
2. MOU will maintain a Cold Case Fugitive spreadsheet and ensure the spreadsheet is updated with all events involving each cold case fugitive.
3. Monthly, MOU will select up to 30 names from the Patrol Bureau warrants list and up to six will be selected from the Investigations Bureau warrants list. Each name will be listed on a Form 637, Cold Case Fugitive form.
4. MOU will forward the Form 637 to the Intelligence Unit, who will:
 - a. Conduct a preliminary investigation.
 - b. Note useful data on the Form 637.
 - c. Return the form to MOU.
5. MOU personnel will process the Form 637 based on the preliminary investigation.
 - a. If the fugitive is deceased, MOU personnel will complete the necessary paperwork to have the warrant removed from files and databases.
 - b. If the fugitive is incarcerated, MOU personnel will process holders and, when appropriate, arrange for extradition.

- c. If the fugitive is neither deceased nor incarcerated, the MOU Commander will assign the Form 637 for follow-up investigation to:
 - 1) The Violent Crime Squad of the district nearest the fugitive's most likely, or last known, location if the warrant is for an offense normally investigated by the Patrol Bureau.
 - 2) The Special Investigations Squad if the warrant is for an offense normally investigated by Investigations Bureau.
- 6. If an arrest is made, return the Form 637 to the MOU Commander with pertinent data related to the arrest.
- 7. If no arrest is made within 30 days, return the Form 637 to the MOU Commander. Include all data obtained regarding the fugitive.
- 8. MOU personnel will update the Cold Case Fugitive spreadsheet and file the Form 637.
- 9. Under certain circumstances MOU will request assistance from the U.S. Marshal's Service for the service of warrants.

12.270 IMPOUNDING, MOVING, AND RELEASE OF VEHICLES

References:

Procedure 12.205 - Traffic Enforcement
Procedure 12.215 - Cincinnati Parking Infraction (CPI)
Procedure 12.255 - Delinquent Vehicles: Impounding/Processing Delinquent Tags
Procedure 12.265 - Wrecker and Towing
Procedure 12.275 - Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles
Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses
Cincinnati Municipal Code Chapter 513 - Impoundment of Motor Vehicles

Purpose:

Determine when vehicles may or may not be impounded and/or released.

Establish accountability for safeguarding property contained in impounded vehicles.

Information:

The Impound Unit, located at 3425 Spring Grove Avenue, is open 0630 to 2130 seven days a week.

Procedure:

- A. Impoundment of Vehicles Outside Impound Unit Business Hours
 - 1. Using a supervisor approved move-only, tag and move to non-hazardous location, any vehicle parked in violation and creating a hazard.
 - 2. Do not tow delinquent vehicles when the Impound Unit is closed.
 - a. If the vehicle is occupied, drive it to the district and hold it while the owner pays the citation(s) or posts the required bond for delinquent tags.
 - b. If parked, cite the vehicle for any current violation. Make a blotter entry noting the location of the vehicle for follow up.
 - 3. Do not tow vehicles bearing tags expired more than 30 days when the Impound Unit is closed.
 - 4. Tow vehicle recoveries to a designated private storage facility, initiating a Signal 38, if it is not possible to release to the owner at the scene.

5. Provide the district desk person with a completed Form 369, Towing Report, whenever a vehicle is held at a district. Make a blotter entry for first shift to have the vehicle towed.

B. Impoundment Guidelines

1. A police officer may impound any motor vehicle which is:
 - a. Stolen.
 - b. Parked in violation of the law.
 - c. Involved in a motor vehicle crash.
 - d. Declared delinquent because of two or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Hamilton County Municipal Court pursuant to Cincinnati Municipal Code (CMC) Section 515-7.
 - e. Not displaying license plates.
 - f. Blocking ingress or egress to a street, alley, roadway, driveway, parking facility, or loading facility.
 - g. In the possession of a physically arrested person.
 - h. Driven by a person under the influence of alcohol, drugs, or a combination thereof.
 - i. Under the control of a person who requests impound for safekeeping.
 - j. Held for evidence or investigation with approval of the supervisor.
 - k. Driven by an owner who is under suspension.
2. Do not impound the motor vehicle of a physically arrested person or a first offender OVI arrest if:
 - a. The owner/driver allows the officer to safely and legally park the vehicle.
 - b. The vehicle is not needed for evidence.
 - c. The driver arranges for someone to take custody of his vehicle.
3. Do not leave vehicles on expressways.
 - a. Vehicles that are not impounded will be legally parked.
 - b. Officers may allow the owner/driver 1 hour for the removal of vehicles that are mechanically disabled but not in a hazardous location.

4. If unable to release a stolen vehicle to the owner, complete an Ohio Uniform Incident Report and Form 369.
 - a. Process all copies of the Ohio Uniform Incident Report and forward the original to Records Section.
 - b. Fax the Form 369 to the Impound Unit at line 352-3998, as soon as possible.
 - 1) Give the yellow copy of Form 369 to the wrecker driver.
 - 2) The pink copy of Form 369 is retained at the district.
 - 3) Mail the original white copy of Form 369 to the Impound Unit using inter-departmental mail.
5. For all other tows, the original Form 369 will accompany the vehicle to the Impound Unit.
6. The owner of any vehicle impounded under CMC Section 513-1, Impoundment of Motor Vehicles, must be notified personally or by regular mail sent to the last known address of the registered owner.
 - a. Impounding officers will attempt to notify the vehicle owner in person or by phone and note same on the Form 369. If officers are unable to make notification, they will record any relevant information that would help Impound Unit personnel make the notify.
 - 1) After towing to the lot, Impound Unit personnel will be responsible for notifying the owner.
 - b. The notification will include the:
 - 1) Reason for impounding and the location where the vehicle was towed.
 - 2) Procedure for obtaining release of the vehicle.
 - 3) Basic charges for impound and storage according to current posted rates.
7. Owners are responsible for towing charges on all tows to the Impound Unit. Impound Unit personnel can release, without charge, vehicles legitimately disabled and impounded to help the flow of traffic.
8. Failure to obtain release of the motor vehicle within 20 days of impound may cause it to be salvaged or sold at auction.
9. The towing officer will inventory the vehicle and the contents of any vehicle taken to the district (see Procedure 12.265). Do this even though someone may be responding to pick up the vehicle.

C. Impounding Vehicles

1. The driver/owner is arrested and the vehicle has to be impounded:
 - a. A supervisor must approve the impound.
 - b. Tow or drive the vehicle directly to the Impound Unit during normal business hours using the Form 369.
 - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by wrecker on the next day.
2. Operating a vehicle under the influence (OVI) and driving while under suspension (DUS).
 - a. Tow a vehicle for pretrial seizure in all cases of DUS except the following:
 - 1) When charging the driver with DUS 4510.037J.
 - a) Points suspensions (12 or more points).
 - b) Status – “Suspended”.
 - 2) When charging the driver with DUS 4510.21.
 - a) Suspensions with time limits/dates that are expired.
 - b) Driver failed to pay fines/fess required to reinstate license.
 - c) Status – “Failure to Reinstate”.
 - c. Tow vehicles subject to forfeiture when any of the following apply to the operator:
 - 1) Operating a vehicle which has been ordered immobilized.
 - 2) Arrest for OVI with three previous convictions within six years.
 - 3) Arrest for wrongful entrustment with one previous conviction (no time limit).
 - 4) Arrest for FRA suspension with two previous convictions within five years.
 - 5) Arrest for OVI suspension with two previous convictions within six years.
 - d. Complete Form BMV-2255 (ALS) and Form 369.

- e. Inform Police Communications Section (PCS) whether the vehicle is being towed for pretrial seizure or is subject to forfeiture.
 - 1) Towing companies will tow vehicles held for pretrial seizure and those subject to forfeiture to the Impound Unit.
- 3. Vehicles ordered immobilized by the courts which are not already impounded.
 - a. Records Section will distribute all Court Issued Immobilization Notices (BMV-2270) to the Patrol Bureau for action.
 - 1) Districts will make reasonable attempts to locate vehicles and have them impounded.
 - 2) If the vehicle is found, initiate a Signal 38 and advise PCS the vehicle is a court ordered immobilization. These tows go to the Impound Unit.
 - a) Complete Form 369.
 - b. Patrol Bureau will return the BMV-2270 to the Records Section along with the disposition.
- 4. Stolen/recovered vehicles:
 - a. Every effort should be made to release auto recoveries to the owner at the scene of recovery.
 - b. If the owner cannot be notified or refuses to claim the vehicle at the scene, the vehicle will be towed by a private wrecker designated for auto recoveries.
 - 1) A Signal 38 will be given to PCS to request a private wrecker be dispatched.
 - 2) A Form 369 and a Form 303, Motor Vehicle Incident Report, will be completed by the recovering officer.
 - a) Fax Form 369 to the Impound Unit, at 352-3998, as soon as possible.
 - 1] The yellow copy of Form 369 will be given to the wrecker driver.
 - 2] The original white copy of Form 369 will be mailed to the Impound Unit using interdepartmental mail.
 - 3] The pink copy of Form 369 will be retained at the district.

- b) All copies of the Form 301 will be turned in at the district for processing.
 - c. If the vehicle is not held as evidence, follow Procedure 12.420.
 - d. Investigations concerning recoveries will be done at the private storage facilities within 24 hours of recovery.
 - 1) Location of the vehicle can be obtained from the Form 369 or PCS.
 - e. All fees for towing and storage will be charged by the private towing company.
5. Held for evidence/investigation
- a. A supervisor must approve the impounding of the vehicle.
 - b. Tow or drive the vehicle directly to the Impound Unit, during business hours, using the Form 369.
 - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by wrecker on the next day.
 - d. If a coroner's case, the vehicle may be towed to the Coroner's Office, with supervisory approval. Other options include towing or driving to the district for processing and release, or towing to the Impound Unit by first shift.
 - e. Take vehicles held by specialized units (e.g., Vice, CIS) to the district with the approval of the district shift officer in charge (OIC). Specialized units will keep responsibility for disposition of the vehicle.
6. Vehicle held at the request of other authorities
- a. If possible, contact the requesting authority.
 - b. If they can respond immediately, release the vehicle to them.
 - 1) Obtain a signed Form 330, Property Receipt, for the vehicle.
 - c. If the requesting authority cannot respond immediately and the vehicle is:
 - 1) Drivable, take it to the district and have the requesting authority respond to the district.
 - 2) If the vehicle is not drivable, it will be towed to the Impound Unit during business hours or to the district if it is outside of Impound Unit business hours. Include all pertinent information on the Form 369.

7. Vehicle unlawfully parked on a street and interfering with pedestrian or vehicular traffic:
 - a. Have the owner/driver move the vehicle immediately.
 - b. If the owner/driver is not immediately available, cite for the proper violation and tow it to the Impound Unit.
 - 1) When the Impound Unit is closed, a supervisor may approve a move-only. Issue a citation and tow to a non-hazardous location.
8. Vehicles parked on private or public property without consent of the owner:
 - a. For vehicles parked on private property, or public property under the control of another non-City government agency (e.g., Board of Education, Metropolitan Housing Authority), take the following action:
 - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, the officer will try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, the officer will impound the vehicle. The officer will include on the Form 369 a brief investigative summary and the property owner's name who requested the vehicle removal.
 - a) If applicable, issue a citation for the proper violation.
 - 2) If the vehicle is occupying a parking space or appears to be abandoned but not blocking ingress, egress, loading dock, etc., the officer will run a computer check to see if it's stolen, wanted, etc. The officer will tow only if there is a computer hit.
 - a) Do not tow delinquent vehicles from private property.
 - 3) For vehicles on property, other than City property, and not stolen or wanted, the officer should try to find the vehicle owner to move the vehicle. The officer will advise the property owner of the towing provisions under Ohio Revised Code (ORC) Sections 4511.681 and 4513.60. If the property owner follows these guidelines, he may have the vehicle towed at the vehicle owner's expense.
 - a) For abandoned junk vehicles on private property, refer to Procedure 12.275.
 - b. For property owned or controlled by the City, including the Park Board, Recreation Department, etc., take the following action:

- 1) If the vehicle is obstructing driveways, loading docks, fire lanes, or other ingress or egress, follow Section C.7. of this procedure.
 - 2) If the vehicle is stolen, otherwise wanted, or in violation of the law, impound it per procedure.
- c. For unlicensed/inoperable vehicles on private property, refer to Procedure 12.275.
9. Follow Procedure 12.275 for abandoned or junk vehicles.
10. Follow Procedure 12.255 for delinquent vehicles.
11. Vehicles wanted for hit-skip:
 - a. If an individual is cited or physically arrested for hit-skip, tow the vehicle to the Impound Unit, only if it is needed for follow-up investigation, with the approval of a supervisor.
 - b. Impound the vehicle if needed as evidence with the approval of a supervisor.
 - 1) If the driver is physically arrested, follow Section C.1. of this procedure.
 - c. Complete a Form 369. A photocopy of the Form 369 will be forwarded to the Hit Skip Squad with the OH-1.
12. Expired license plates:
 - a. Ohio/non-Ohio registration:
 - 1) Within 30 days following the expiration date, issue a citation for CMC Section 503-52 if the vehicle is moving or CMC Section 508-25 if the vehicle is parked.
 - 2) If the plate is expired more than 30 days, the vehicle may be impounded. A citation is sufficient if registration information is verified and the owner notified.
13. No license plates:
 - a. Impound the vehicle; do not issue a citation. This applies to both occupied and unoccupied vehicles.
14. Unroadworthy vehicles:
 - a. Officers will issue an Ohio Multi-Count Uniform Traffic Ticket (MUTT) using CMC Section 503-29.
 - 1) Have the vehicle towed to the Impound Unit. Do not drive or allow the vehicle to be driven.

- 2) The Impound Unit supervisor will arrange to have the vehicle inspected by a mechanic from Fleet Services.
 - a) The mechanic will record his findings on a Form 17, noting his name, unit, and telephone line number. Unroadworthy Forms 17 are kept in a separate file at the Impound Unit. A copy of this Form 17 is also sent to the impounding officer by the Impound Unit for use in court cases.
 - b) If the inspection determines the vehicle is unroadworthy, the additional towing charge and the inspection fee charged to the Department by the Municipal Garage will be passed on to the owner of the unroadworthy vehicle.
- b. When officers are notified to respond to court about an unroadworthy vehicle charge (not guilty plea), they will contact the Impound Unit supervisor. He will notify the mechanic to appear in court to testify about the condition of the subject vehicle.
15. Parked vehicle involved in a vehicular crash:
 - a. If legally parked and not causing a safety hazard, do not tow.
 - b. If parked in violation or interfering with traffic, and the owner is not located, tow the vehicle to the Impound Unit as held for owner.
16. Follow Procedure 12.215 for street cleaning or paving violations.
- D. Move Only
 1. Use a move only as a last resort unless an emergency situation requires immediate action. Costs for move only tows are charged against the police budget.
 - a. Cite vehicles when violations are present.
 2. Complete a Form 369. Be specific, complete each appropriate space.
 - a. Remain at the scene to direct the wrecker driver.
 - b. Give the original Form 369 to the wrecker driver.
 - c. The officer's immediate supervisor will review, sign, and forward the copy to the Impound Unit without delay.
 - d. Note on the Form 369 if the vehicle was cited for a traffic violation.

E. Mechanically Disabled Vehicles

1. The vehicle owner/driver is responsible for securing a wrecker for a disabled vehicle not involved in an auto accident. Instruct the owner/driver to secure a licensed wrecker of his choice.
 - a. If the position of the vehicle creates a hazard to motorists or pedestrians the officer will ensure the vehicle is removed.
 - 1) The officer will attempt to move the vehicle to a non-hazardous location with the use of push bumpers.
 - 2) If the vehicle is unable to be moved the officer will remain with the vehicle and may allow the owner/driver 1 hour to secure a private wrecker.
 - 3) The officer will remove the vehicle if it is determined a greater hazard would be created by allowing the vehicle to remain.
 - a) The officer will inform the owner/driver they are responsible for the wrecker payment.
 - b) The officer will instruct the wrecker driver to charge the owner/driver and not to bill the city.
2. Vehicles disabled due to fire will immediately be removed from the roadway by the owner/driver or impounded by the officer.

F. Property Contained in Vehicles

1. Process as required in Procedure 12.265.

G. Damage on Vehicles:

1. List as required in Procedure 12.265.

H. Releasing Vehicles

1. At the scene
 - a. Release vehicles, not needed for evidence or by other authorities, to the person with right of possession if he arrives at the scene before the wrecker driver has left the curb and entered a moving lane of traffic.
 - 1) Issue a citation for existing violations.
 - 2) Advise PCS to put the wrecker driver back on top of the rotation list.

2. From Impound Unit

- a. An owner wishing to claim an impounded vehicle must present his Certificate of Title and/or License Registration and proper identification at the Impound Unit.
- b. Inform owners that impound and storage fees do not include payment for any traffic citations. Traffic citations attached to the vehicle are to be processed by the vehicle's owner in the regular manner.
- c. The Impound Unit will obtain the total impound and storage fees from the vehicle owner/driver.
 - 1) Additional charges may be levied if a person fails to claim the vehicle within 24 hours, after having been personally contacted or notified by regular mail.
 - 2) Extra costs for any service necessary to impound or properly maintain the vehicle will also be added to the impound and storage fees.
 - 3) The Impound Unit accepts cash, Visa or MasterCard for payment of impound fees. No checks are accepted.
 - a) Only the person whose name appears on the credit card may use it.
- d. Inform owners with vehicles on the delinquent list that all delinquent tags must be paid or registered for court. They must present proof of such action in the form of receipts or register cards at the Impound Unit before the vehicle will be released.
- e. Releasing vehicles when the Impound Unit is closed:
 - 1) Generally, vehicles are not released from the Impound Unit when closed. In unusual circumstances, the night chief, or in his absence the shift OIC of the involved district may authorize recall of an Impound Unit officer to release a vehicle. PCS maintains a recall list. Examples of unusual circumstances include: a vehicle impounded through error, which would reflect adversely on the public image of the Department, extreme hardships such as an out-of-town family with young or ill members, etc. Supervisors ordering such recalls should bear in mind the expense incurred from a recall.
 - 2) Vehicles driven or towed to the district may be released without charge at the district upon authorization of the night chief, or in his absence, the shift OIC. Send a copy of the completed Form 369 to the Impound Unit.

- 3) A Form 17 should be made by the requesting unit supervisor showing unusual circumstances and/or reason for request.
- f. Removal from district lot:
- 1) Vehicles impounded at the district when the Impound Unit is closed will be ordered towed to the Impound Unit after 0700 by notifying the Impound Unit OIC. The Impound Unit OIC will dispatch the contract wrecker or a Signal 38. If release is imminent, or a given period has been permitted for the owner to claim the vehicle from the district without towing fee, the towing may be deferred.
 - 2) If a vehicle is towed to a district and again to the Impound Unit, the additional towing charge is not passed on to the owner. The owner will pay only the normal fee.
 - 3) Time for calculating storage fees begins when the vehicle is actually impounded at the Impound Unit.

12.545 USE OF FORCE

Reference:

Graham vs. Conner, 490 US 386, 396 (1989)
Tennessee vs. Garner, 471 US 1 (1985)
 Manual of Rules and Regulations - 1.22, 1.23, 1.24, 1.25, 2.12, 2.26A&B, 4.05
 Procedure 12.140 - Canine Operations
 Procedure 12.170 - Civil Disturbance Operation Procedure
 Procedure 12.550 - Discharging of Firearms by Police Personnel
 Procedure 12.554 - Investigatory Stops and Field Interview Report (FIR)
 Procedure 12.600 - Prisoners: Securing, Handling, and Transporting
 Procedure 12.905 - Fingerprinting and Photographing of Juveniles
 Procedure 15.100 - Citizen Complaints

Definitions:

Actively Resisting is when the subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Choke Holds - The courts could consider a choke hold or other similar type holds as deadly force. Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type choke hold to prevent the swallowing of evidence is prohibited.

Crowd Management is the observing, monitoring, and facilitating the activities of persons assembled.

Crowd Control is the use of police action to stop the activities of persons assembled.

Deadly Force is force likely to cause, or capable of, producing death.

Escorting is the use of light pressure to guide a person or keep a person in place.

Force is any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to the use of: firearms, Tasers, chemical spray, choke holds or hard hands, the taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance.

Hard Hands is the use of physical pressure to force a person against an object or the ground, or use of physical strength or skill that causes pain or leaves a mark, leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

Serious Use of Force is any action that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured, or requires hospital admission, with the exception of individuals admitted for psychiatric evaluation not suffering a serious injury.

Self-Defense is the act of protecting oneself or another from physical harm or serious physical harm.

Serious Injury/Serious Physical Harm to Persons means any of the following:

- Any physical harm that carries a substantial risk of death.
- Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity.
- Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement.

Use of Force in Crowd Management and/or Control - Officers will not initiate the use of force or chemical irritant against crowds or a group of individuals except when reasonable and necessary to protect the officer, the subject, or another party from a risk of death or physical harm; or is necessary to effect the arrest of an actively resisting subject; or to prevent the escape of that subject.

Officers encountering crowds will evaluate the situation and determine if there is a current or future need requiring crowd control or crowd management. Prior to police action, the officers will immediately summon a supervisor to the scene. If crowd control is or will be required, the supervisor will summon a command officer to the scene. Once on the scene, the command officer will direct all police action and authorize the use of weapons, tools, or tactics needed to resolve the situation. The approval of a supervisor is required any time chemical irritant is used against a crowd, absent exigent circumstances.

The use of force (including the beanbag shotgun, the 40mm foam round and the PepperBall launcher) as well as the use of chemical irritant during periods of civil unrest or for crowd management is restricted. A command officer must be present and must authorize the deployment of these devices, absent exigent circumstances.

Command officers must give verbal notice prior to deploying these devices into a crowd, unless it would present a danger to the officer or others to give such a warning.

Any deployment of the beanbag shotgun, the 40mm foam round, or the PepperBall launcher during crowd management/control requires:

- Specific targeting of a subject by the officer.
- Under no circumstances should any of these devices be deployed into a crowd without first identifying a specific target that represents an imminent risk of death or physical injury to the officer or others.
- The officer must be reasonably sure that the weapons will not strike other individuals in the crowd who pose no threat of violence.

If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot

make their conduct criminal by ordering them to disperse and arresting them if they refuse.

Information:

Beanbag shotgun and 40mm foam rounds: The beanbag shotgun and 40mm foam rounds are impact projectile devices that offer a less lethal alternative for subduing or incapacitating a subject to prevent imminent physical harm, while maintaining officer safety.

These types of police tactical tools have been designed for law enforcement to assist in resolving situations which could otherwise result in the use of deadly force.

They are designed to enable officers to subdue or incapacitate a subject while preventing imminent physical harm to the officer or another person due to the ability to maintain greater distance between officers and the subject. Most of the time these tactical tools are used when a subject is armed with, or simulating the possession of, a potentially deadly instrument. These subjects are often emotionally disturbed, intoxicated, or suicidal. These tools are designed to de-escalate the deadly force potential and allow the subject to be controlled with a lower level of force.

Use of these types of tactical tools is reasonable in situations when allowing the subject to leave would pose an imminent continuing threat to others, including the subject.

These types of impact projectiles may not be used to prevent theft or minor vandalism.

Beanbag shotgun and 40mm foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm. In certain circumstances, it may be inappropriate to use these impact projectile tools, even if the only alternative is to allow the subject to escape. Officers must consider the severity of the crime, whether the subject poses an immediate threat of imminent physical harm to officers or other persons, and whether the subject is actively resisting arrest.

PR-24: The PR-24 is an impact tool that offers a less lethal method for subduing and apprehending violent and/or actively resisting subjects. Compared to empty hand counter strikes, the PR-24 is less likely to cause injury to the officer and provides added distance from the subject. Officers should target a subject's torso, arms, and legs, and avoid the subject's head, throat, neck, heart, and groin, unless threatened with serious physical harm.

PepperBall: The PepperBall launcher is a non-lethal tool which provides another alternative to assist in apprehending violent and/or actively resisting individuals while maintaining officer safety. This impact and chemical irritant device is capable of incapacitating subjects, thereby reducing their ability to continue aggressive action.

X26 Taser: The X26 Taser is an electronic control device that is a non-lethal force alternative used to assist officers in the performance of their duties. The X26 Taser is designed to temporarily immobilize a non-compliant, violent or

potentially violent subject. It generates electricity in a small, hand-held, battery operated unit about the size of a handgun.

When properly used, the X26 Taser generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Subjects become physically incapacitated and unable to control muscular movement, allowing officers to gain control.

The X26 Taser electronic control device may be used in situations where time and conditions permit. It can be an extremely effective control device for close range incapacitation. When deploying a cartridge from the X26 Taser, it should never be aimed at the subject's head, neck, eyes, or groin. When deployed in the drive stun mode, the neck and groin areas are acceptable targets. Only officers successfully completing the Department's X26 Taser Training Program will use it.

Each X26 Taser has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the X26 Taser. The information stored in the data chip can be retrieved by supervisors connecting to the data port on the rear of the weapon and downloading the information into our current computer system.

Every three months (January 1, April 1, July 1, October 1), supervisors are responsible for downloading the data only for the previous three month period stored on the X26 Taser chip of their personnel. The downloaded information will be stored in a file at the officer's district/section/unit and also in the "Taser_Downloads" folder located on the H: drive. The instructions for electronically saving the downloaded data can be accessed by opening the PDF file titled, "Taser_Download instructions" located in the "Taser_Downloads" folder on the H: drive.

Chemical irritant: Chemical irritant offers a non-lethal alternative for controlling, subduing, or apprehending a suspect(s). Chemical irritant leaves an invisible ultraviolet, light-sensitive dye on an individual, which can aid in identification.

The use of chemical irritant, including the use of chemical irritant against a crowd or a group of individuals is only permitted in those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm; or is necessary to effect the arrest of an actively resisting subject; or prevent the escape of that subject.

Chemical irritant or the X26 Taser (in the drive stun mode) is the primary response to prevent persons from swallowing evidence or contraband. The use of chemical irritant or the X26 Taser (in the drive stun mode) on an individual attempting to swallow evidence or contraband is only permitted when:

- There is a clear indication that the object or substance in the subject's mouth is contraband.
- There are exigent circumstances such as the imminent destruction of evidence or medical emergency.
- The officer has issued verbal commands to spit out any contraband and the subject refuses to comply.

Personnel may only use chemical irritant to control a resisting subject when verbal commands and other techniques that do not require the use of force would be ineffective, or where issuing verbal commands would present a danger to the officer or others.

A verbal warning must be issued to the subject that chemical irritant will be used prior to the use of chemical irritant unless it would present a danger to the officers or others to issue such a warning. When feasible, the officer will defer using chemical irritant for a reasonable time to allow the subject to comply with the warning. Chemical irritant should only be aimed at the subject's face and upper torso.

Policy:

Cincinnati Police Officers must recognize and respect the value and dignity of every person.

In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for affecting an arrest is where a suspect complies with simple directions given by an officer.

When officers are confronted with a situation where control is required to affect an arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion.

The suspect should be allowed to submit to arrest before force is used unless this causes unnecessary danger to the officer or others.

When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or affect the arrest, and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to immediately de-escalate the use of force as the subject de-escalates or comes under police control.

Officers must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable them to affect the arrest of a resistant subject.

Force situations often do not allow for ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered.

Force options may be used simultaneously, for instance, combining verbal

commands with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

All members have a duty to ensure that the use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use deadly force, force, hard hand tactics, chemical irritant, the X26 Taser; or confront resistance that results in an injury or complaint of injury to a citizen; or have knowledge of any of the above; or are aware of a citizen complaint of excessive force, they will immediately notify a supervisor. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force.

The only exception is when a lieutenant uses force and there is no captain or above working, but an acting night chief (lieutenant) is available. In this case, the acting night chief can conduct the investigation.

Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

Following any use of force resulting in a citizen's injury, officers will ensure appropriate first aid is rendered immediately once the incident scene is stabilized.

Use of Force Continuum

SUBJECT RESISTANCE:	FORCE OPTIONS:	OFFICER/SUBJECT FACTORS:
<p>Compliant/Cooperative Subject complies with verbal commands and other directions.</p> <p>Uncooperative Subject fails to respond to verbal commands or other directions.</p> <p>Active Resistance Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.</p> <p>Assault or Threat of Assault Subject assumes fighting stance, charges, strikes or kicks an officer or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault.</p> <p>Life Threatening Assault or Assault Likely to Cause Serious Physical Harm Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death.</p>	<p>Officer presence</p> <p>Verbal skills</p> <p>X26 Taser/Chemical Irritant</p> <p>Escort techniques</p> <p>Balance displacement</p> <p>Hard hands (Pressure Points/Strikes)</p> <p>PR-24 (Baton)</p> <p>PepperBall launcher (Non-lethal)</p> <p>Beanbag shotgun (Less than lethal)</p> <p>40mm foam round (Less than lethal)</p> <p>Deadly force</p>	OFFICER/SUBJECT FACTORS:
		SPECIAL CIRCUMSTANCES:
		<p>Physical size</p> <p>Influence of alcohol or drugs on subject</p> <p>Subject's mental capacity or impairment</p> <p>Multiple suspects</p> <p>Environmental factors</p> <p>Distance from subject</p> <p>Officer injury exhaustion</p> <p>Proximity of weapon</p> <p>Officer on ground</p> <p>Special knowledge</p> <p>Crime involved</p> <p>History/knowledge of subject</p>

Each force situation is unique and this continuum is intended only as an illustration of the various force options that are available to an officer facing a given level of subject resistance. This continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to affect a lawful arrest (Graham v. Connor, 490 U.S. 386 (1989)). Good judgment and the circumstance of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances. Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation.

Procedure:**A. Use of Beanbag Shotgun**

1. Two supervisors' cars and ten beat cars in each district are equipped with beanbag shotguns.
 - a. Supervisors are responsible for loading beanbag shotguns.
 - b. Never load regular shotgun ammunition into beanbag shotguns or vice versa.
2. A beanbag shotgun shell is a standard 2 3/4 inch, 12 gauge shotgun shell with a transparent hull.
 - a. Stocks on beanbag shotguns are orange and clearly labeled as "less-lethal".
3. Beanbag shotguns will be carried with four rounds loaded in the magazine tube and no round in the chamber. They will be stored de-cocked with the safety on, in secured boxes in the trunks of assigned vehicles.
 - a. A breakaway seal will be on each box.
 - b. Do not remove and inspect the beanbag shotgun at the beginning of each shift.
 - 1) Open the trunk and check the seal. If the seal is intact, the weapon is ready to be used.
 - 2) If the seal is broken, call for a supervisor to inspect the weapon and reseal the box.
4. If the shotgun is removed during the shift, a supervisor must inspect the shotgun and reseal it in the box.
5. Supervisors will ensure beanbag shotguns are evenly disbursed geographically throughout each district.
6. Neither permission from, nor the presence of, a supervisor is required for officers to use beanbag shotguns, except in crowd control situations.
 - a. The presence of a second officer is highly recommended in the event the officer using the beanbag shotgun encounters lethal resistance.
7. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. When feasible, officers will allow a reasonable time between the warning and use of the beanbag shotgun.

8. When using a beanbag shotgun, the recommended distance is no less than 20 feet and no more than 75 feet from a suspect. Beanbag rounds have an optimal effective range of 20 to 50 feet with a maximum effective range of 75 feet.
 - a. Using a beanbag shotgun within 20 feet of an individual increases the chance of serious injury. In cases involving self defense, defense of another, or a situation where the round is used as an alternative to deadly force when deadly force would be appropriate, the use of the beanbag round at a distance less than 20 feet is acceptable.
 - b. If serious injury requiring hospitalization occurs from using a beanbag shotgun, follow the notification process for shots fired as outlined in Procedure 12.550, Discharging of Firearms by Police Personnel.
 9. When using a beanbag shotgun, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible.
 - a. Take any individual struck with a beanbag round to University Hospital for medical evaluation.
 10. While multiple beanbag rounds may be expended as necessary, no more than two beanbag shotguns should be simultaneously deployed on an individual.
 11. If four rounds prove to be ineffective, officers need to consider another option.
 12. After using a beanbag shotgun, and after an individual is under control, notify onlookers that a beanbag shotgun, not a regular shotgun, was used. Inform the onlookers that the beanbag shotgun is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.
- B. Use of 40mm Foam Round
1. A 40mm foam round launcher will be assigned to each district.
 2. The 40mm foam round consists of a soft rubber sponged nose attached to a hard plastic carrier.
 3. The 40mm foam round launcher is a single shot, shoulder-mounted weapon.
 - a. A holographic sight is attached to the launcher to assist with aiming and shot placement.

4. Only supervisors and officers trained in the use of the 40mm foam round launcher are permitted to use the weapon.
 - a. The presence of a second officer is highly recommended in the event the officer using the 40mm foam round launcher encounters lethal resistance.
 - b. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. When feasible, officers will allow a reasonable time between the warning and use of the foam round.
 - c. If serious injury requiring hospitalization occurs from using a 40mm foam round, follow the notification process for shots fired as outlined in Procedure 12.550.
5. When using the 40mm foam round, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible. The 40mm sponge round will prove most successful for incapacitation when used within its optimal energy range of approximately 10 to 75 feet, although it may be used in situations from 5 to 120 feet.
 - a. Take an individual struck with a 40mm foam round to University Hospital for medical evaluation.
6. If four rounds prove to be ineffective, officers need to consider another option.
7. After using the 40mm foam round launcher, and after an individual is under control, inform onlookers that the 40mm foam round is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.

C. Use of PepperBall

1. PepperBall launchers will be assigned to the districts at the discretion of the Police Chief.
2. The PepperBall round consists of a small, hard, plastic sphere containing OC pepper powder.
3. The PepperBall launcher is a semi-automatic, shoulder-mounted, high capacity weapon powered by compressed air.
 - a. Each district will be assigned one SCBA compressed air tank and a PepperBall fill adapter.
 - b. SCBA tanks can be refilled by the Cincinnati Fire Department at their facility located on 5th Street at Central Avenue.

4. Only supervisors and officers trained in the use of PepperBall launchers are permitted to use the weapons.
 - a. The presence of a second officer is highly recommended in the event the officer using the PepperBall launcher encounters lethal resistance.
 - b. If serious injury requiring hospitalization occurs from the use of the PepperBall, follow the notification process for shots fired as outlined in Procedure 12.550.
 5. When using the PepperBall launcher, aim at center mass. Avoid the head, neck, and groin areas, if possible. The effective range of the PepperBall is 0 to 30 feet for targeting individuals and up to 100 feet for area saturation.
 - a. Generally, four to ten rounds should be deployed at a subject. More rounds may be utilized, if in the opinion of the officer, the additional rounds will assist in gaining compliance of the individual.
 - b. Heavy clothing can hinder the effectiveness of the PepperBall rounds. If a subject is wearing heavy clothing, consider targeting the legs.
 - c. Subjects struck with PepperBall rounds often lower their head and turn away from the source of impact. It is important to anticipate this reaction when employing PepperBall rounds.
 - d. Decontamination for individuals exposed to PepperBall OC powder is fresh air and clear, cool water.
 6. PepperBall rounds can be used to saturate an area with OC powder by aiming the rounds at solid objects such as buildings, walls, or the ground.
 7. After using the PepperBall launcher, and after the individual is under control, inform onlookers that the PepperBall launcher is a non-lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.
- D. Use of the X26 Taser
1. Use the X26 Taser to control actively resisting subjects, aggressive non-compliant subjects, or violent or potentially violent subjects. Give the subject a verbal warning that the Taser is going to be deployed unless it would present a danger to the officer.
 - a. Officers should avoid using the X26 Taser on obviously pregnant females and those individuals under the age of 7 or over the age of 70, unless the encounter rises to the level of a deadly force

situation due to the potential for these individuals to fall when incapacitated by the Taser.

- b. Officers should avoid using the X26 Taser on individuals who are on an elevated surface unless the encounter rises to the level of a deadly force situation.
2. Officers should, if possible, obtain backup before using the X26 Taser to control the subject.
 - a. Deploy personnel in such a manner that will enable them to use other means to subdue the subject if the X26 Taser is ineffective.
 - b. Officers will use caution and avoid standing near the subject.
3. Depressing the trigger on the X26 Taser will propel two darts from the attached cartridge. Once the X26 Taser is fired it will automatically cycle for five seconds. The officer can turn it off before the five second cycle stops. However, it is recommended that officers let the X26 Taser cycle for the full five seconds to maximize its effectiveness. Officers should give commands to the suspect and attempt to gain compliance.
 - a. It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. However, if only one dart penetrates the subject, the X26 Taser is only partially effective. Should this occur and the subject continues to act aggressively, place the X26 Taser against the subject's body to complete the circuit, causing complete incapacitation.
 - b. The X26 Taser has a red dot laser and a built in flashlight that activates as soon as the X26 Taser is turned on. Both of these features can be deactivated, if desired.
4. If a first shot does not make contact or is ineffective, the officer may reload and attempt a second shot. If the X26 Taser deployments do not make contact or are ineffective, it may be used in the drive stun mode. The X26 Taser can operate in the drive stun mode with or without the fired cartridge attached. You cannot use the X26 Taser in the drive stun mode on the neck or groin area with a non-fired cartridge attached to the Taser.
 - a. While operating the X26 Taser in the drive stun mode, the carotid/brachial, groin, and common peroneal nerve are the preferred target areas of the body. A drive stun is described as pushing the X26 Taser aggressively against the subject's body while pulling the trigger. This will deliver a shock to that area of the body. A drive stun is intended to gain compliance from actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects, and persons attempting to swallow evidence or contraband.
 - b. Due to the high voltage electronic spark of the X26 Taser, **never fire the X26 Taser near flammable materials (such as**

chemical irritant with an alcohol based propellant, gasoline, kerosene, or in a natural gas environment).

- c. After an officer has fired an X26 Taser cartridge, a new cartridge will be issued to the officer by their immediate supervisor.

5. Medical Treatment Guidelines

- a. Officers will obtain appropriate medical treatment for suspects when necessary. After successful X26 Taser deployment, request Cincinnati Fire Department (CFD) respond to evaluate the subject.
- b. Officers may remove darts embedded in a subject's skin using the appropriate technique provided the darts are not embedded in soft body tissue, i.e., genitals, breast tissue, or any area above the collar bone.
 - 1) If the darts are embedded in the soft body tissue described above, transport the subject to University Hospital for treatment and dart removal.
 - 2) Used X26 Taser cartridges and darts are considered a biohazard. Place the used cartridge and darts in a biohazard receptacle at a fire station or hospital.

E. Use of Chemical Irritant

- 1. Unless it would present a danger to the officer or another, a verbal warning to the individual that chemical irritant will be used must be issued prior to use.
- 2. When feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning.
- 3. Officers may only use chemical irritant on a restrained individual when the restrained individual is likely to escape or the restrained individual or another person is likely to suffer injury or to escape, absent the use of the chemical irritant.
- 4. If it is necessary to use chemical irritant on a violent prisoner who is handcuffed and in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead, officers will spray the prisoner through the protective screen.
 - a. If the vehicle is equipped with a plexiglass partition, officers can either slide the partition to an open position and spray the prisoner through the opening or spray the prisoner through the rear door window nearest the prisoner's face.
 - b. This should be rare and used only after officers issue a verbal warning and when other uses of force would be ineffective.

5. When spraying chemical irritant, target an individual's face and upper torso. If possible, stay five to ten feet from away from an individual and administer the chemical irritant in 3 second burst(s).
6. Officers may not keep a sprayed individual in a face-down position any longer than necessary to handcuff or end the threat of harm or escape.
7. Absent exigent circumstances, officers will offer to decontaminate every sprayed individual within 20 minutes of the use of chemical irritant.
 - a. Expose individuals sprayed with chemical irritant to fresh air. Give them an opportunity to rinse their face with plenty of clear, cool water or the use of a decontamination wipe.
 - b. Individuals should not rub or hold their faces, or use any oils, creams, or ointments.
8. Officers are required to request medical assistance for sprayed individuals in the following circumstances:
 - a. When the individual complains of continued effects after having been decontaminated.
 - b. The individual indicates that they have a pre-existing medical condition that may be aggravated by the chemical irritant, e.g., asthma, emphysema, bronchitis, heart ailment, etc.
 - c. Immediately transport to University Hospital any persons arrested 13 years of age and older suspected of putting in their mouth, swallowing, or attempting to swallow evidence or contraband. Immediately transport to Children's Hospital any persons arrested 12 years of age or under suspected of putting in their mouth, swallowing or attempting to swallow evidence or contraband.

Reporting Use of Force

Force used	Reporting requirement
Deployment of police canine (no bite).	Form 18C, explaining circumstances that led to the deployment.
Escorting or handcuffing a person, with no or minimal resistance.	No special reporting required other than the narrative of the arrest report.
“Hard hands” use of force by means of leverage displacement, joint manipulation, pain compliance, or pressure point control tactics without injury or complaint.	The arresting officer(s) are required to notify a supervisor and document a narrative account of the subject’s form(s) of resistance and the officer’s specific defensive tactic used to overcome that resistance in the narrative of the arrest report and complete an officer’s report of non-compliant suspect/arrestee form report to be reviewed and approved by a supervisor. The use of force report will require the officer to identify the events leading up to the use of force and the supervisor will be required to evaluate the tactics used by the officer.
“Hard hands” use of force with injury or complaint of injury.	The arresting officer(s) are required to notify a supervisor. The supervisor’s report will include the following information in the narrative portion of the report: description of the events leading to the use of force; description of the subject’s resistance; description of the use of force by police to overcome resistance, including a description of all empty hand controls used by the officer; supervisor’s evaluation of the propriety of the initial contact and the propriety of the use of force; supervisor’s evaluation of a foot pursuit if applicable.
Force using any physical strike or instrumental contact with a person; chemical irritant; choke holds; deployment of a canine resulting in a bite; beanbag shotgun and 40mm foam rounds; X26 Taser; or PepperBall.	Supervisors will be called to the scene and conduct a supervisory investigation including the supervisor’s narrative description of the events preceding the use of force, the officer(s)’ description of events, and audio taped statements of all witnesses including the officer(s), subject(s), medical treating personnel (if practicable), and third-parties. For chemical irritant use and X26 Taser deployment, taped statements are only required if the use occurs after handcuffing.
All serious uses of force (as defined in the definition section of this order) and all canine bites which cause serious injury or hospital admission.	CIS and IIS will respond to the scene and investigate.

F. Reporting a Use of Force

1. The investigating supervisor will immediately notify the district/section/unit OIC (officer in charge), or the Night Chief, if on duty. The use of force will not be investigated by any officer who used force or chemical irritant, whose conduct led to the injury to a prisoner, or who authorized the conduct that led to the reportable incident.
 - a. If none of the above are on duty, ensure the next command officer who comes on duty is notified.
 - b. Contact the Internal Investigations Section (IIS) Commander and the officer's district/section/unit commander for all serious uses of force and all canine bites which cause serious injury or hospital admission.
 - c. Contact the IIS Commander and the officer's district/section/unit commander if more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force.
2. The supervisor will conduct a preliminary fact finding interview of any witnesses and officers at the scene and search for evidentiary materials. The supervisor will then conduct a thorough investigation and evaluate the propriety of the action taken. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force. The only exception is when a lieutenant uses force and there is no captain or above working, but an acting night chief (lieutenant) is available. In this case, the acting night chief can conduct the investigation.
 - a. Other than a use of chemical irritant or Taser, a supervisor will ensure neutral officers transport the prisoner to the appropriate facility, if applicable.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident.
 - b. Detail supervisors will be responsible for the investigation of a use of force involving officers under their supervision.
 - c. A supervisor in the district where the force occurred will investigate and report incidents when the officer is off duty.
 - 1) If a use of force occurs outside the city limits, a supervisor from the closest district will investigate the incident.
 - d. If an officer is involved in a use of force outside a 50-mile radius of the city, the officer will immediately contact a Police Communications Section supervisor and notify him of the use of force. The officer will leave a phone number where he can be contacted.

- 1) PCS will contact the involved officer's assigned district/section/unit commander and notify him of the incident.
 - 2) The district/section/unit commander will call the officer to determine the correct course of action.
3. After the preliminary fact finding interview, tape record all further interviews with the arrested, civilian witnesses, and police officer witnesses in incidents involving canine bites or the physical use of force. Attach the interview tapes to the original report.
 - a. The tape recorded interview will contain the following information:
 - 1) Date, time, and location of interview.
 - 2) Interviewer's name and title.
 - 3) Reason for the interview, e.g., "I am investigating the arrest of John Doe which took place at 1012 Ludlow Avenue".
 - 4) Identity of the person interviewed.
 - 5) Explanation of what happened with specific reference to how the injury occurred. Do not ask leading or suggestive questions.
 - b. If more information is needed, ask the appropriate questions.
 - c. Upon completion, conclude the taped interview by identifying yourself, the person interviewed, and state the time; e.g., "This is Sergeant Neudigate concluding this interview with Mr. John Doe. The time is 2000 hours".
4. The investigating supervisor will interview and examine the subject of the use of force. Be sure the arrested is fully aware of the supervisor's rank and purpose of the interview. The supervisor is responsible for examining the subject for any injuries and is responsible to ensure that any necessary medical attention is secured.
 - a. The investigating supervisor will take Polaroid photographs of the subject. Take specific photos of any injury, or claimed injury, to the subject.
 - 1) The investigating supervisor will record his name, badge number, date, time, and name of the subject on the photographs. Attach the photographs to the original report.
 - b. Anytime the subject of a use of force goes to a hospital, a supervisor will respond and:
 - 1) Ask permission of the medical staff to view the arrested to note the total extent of the injuries.

- 2) Interview the arrested, tape recording the interview.
 - 3) Interview the treating physician and include the diagnosis in the report. Tape record the interview if the physician permits it.
 - a) If the treating physician cannot release a diagnosis of the subject's injuries due to doctor-patient confidentiality, the supervisor will note it in the report.
 - 4) If possible, obtain a hospital and Department release for medical records from the arrested. Attach the release to the original investigative report.
 - 5) Note on the Form 18F, Supervisor's Use of Force Investigation Report, if the subject refuses treatment at the hospital.
5. If the arrested is seriously injured or admitted to a hospital, immediately notify the district/section/unit commander of the involved officer, the IIS Commander, the Criminal Investigation Section (CIS) Commander, and the Night Chief/Duty Officer, if on duty.
- a. The Homicide Unit and IIS will conduct an investigation with the assistance of the affected district/section/unit when the injury is a result of the use of force.
 - 1) The district/section/unit commander will coordinate the investigation in the absence of an IIS investigator.
 - a) The CIS and IIS Commanders will forward all findings and reports to the Police Chief's Office through command channels.
 - b) When IIS or the Homicide Unit is conducting the use of force investigation, the unit responsible for the primary investigation will complete a Form 18F.
 - b. If the arrested is admitted to a hospital for psychiatric evaluation only without serious injury (PES, etc.), the above notifications are not required.
 - c. If the arrested is admitted to a hospital for observation purposes only, notify the affected bureau commander and the Duty Officer who will determine whether CIS and IIS will be notified.
 - d. If the arrested has ingested contraband, which results in either seizures, convulsions, loss of consciousness, or other serious medical conditions, immediately notify the affected bureau commander and the Duty Officer who will determine whether CIS and IIS will be notified.

6. The investigating supervisor will complete an appropriate Form 18F.
 - a. Ensure all blocks are completed. Multiple blocks may be checked, as applicable, in the following defined categories:
 - Ceased All Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and abruptly stops all movement. This is often a behavioral cue that the subject is forming a plan to resist the officer.
 - Conspicuously Ignoring: Subject fails to comply with verbal commands from an officer to submit to arrest and fails to respond to questions or orders, refuses to acknowledge the officer's presence, engages in other activities, or attempts to leave the area.
 - Resistive Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and makes body rigid by tensing the muscles. This rigidity can be full body resistance or a particular body part. The goal of the action is to prevent control by means of superior strength.
 - Exaggerated Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and exhibits rapid body movements, such as flailing of the arms, excited pacing, bouncing or similar actions. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - Excessive Emotional Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and is belligerent, yelling or argumentative towards the officer or another person. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - Combative/Assaultive: Subject fails to comply with verbal commands from an officer to submit to arrest and attempts, threatens or succeeds in physically assaulting an officer or another person by means of body weapons (hands, feet, kicks, punches, elbow strikes, spitting, biting, etc.).
 - Armed: Subject fails to comply with verbal commands from an officer to submit to arrest and displays or claims to possess a weapon, threatens to obtain or use a weapon, makes overt actions consistent with being armed, or is reported to be armed.
 - b. Include concise statements addressing corroboration or contradiction for each witness.

- c. Type a brief summary of the use of force incident on the Form 18 that includes the following information:
 - 1) Decision to arrest, including the basis for the stop and seizure.
 - 2) How the subject resisted arrest.
 - 3) Subject's resistive behavior.
 - 4) Officer's tactics and actions to counter resistance/assault.
 - 5) The supervisor's analysis of the propriety of the officer's use of force.
 - 6) A statement indicating that the subject of the use of force was interviewed as part of the investigation. Include the identity of the supervisor who conducted the interview.
7. If while investigating a use of force, an individual alleges excessive force, the investigating supervisor will complete a Form 648, Citizen's Complaint. The supervisor will investigate the complaint thoroughly while all participants and witnesses are present. If the original use of force does not require the investigation to be tape recorded, but there is an excessive force allegation in conjunction with the use of force, the supervisor will tape record the interview of the subject of the use of force. This is only required when a excessive force complaint accompanies a use of force investigation. The main focus of the interview should be the complaint allegation, not the use of force. Refer to Procedure 15.100 for routing of the form.
8. The investigating supervisor will ensure the completion of and sign the Form 527, Arrest and Investigation Report, and Form 527A, Case and Bond Information Sheet, listing the prisoner's physical condition. The Form 527 will accompany the prisoner to Central Intake at the Hamilton County Justice Center.
9. The investigating supervisor will immediately facsimile the Form 18F to the following locations:
 - a. Police Chief's Office.
 - b. Internal Investigations Section.
 - c. Patrol Bureau.
 - d. Inspections Section.
10. The original report and one copy will be forwarded to the involved officer's assigned district/section/unit commander. The district/section/unit commander will review the original report and complete a use of force supplement. Within seven days, the district/section/unit commander will forward, in a sealed envelope, the taped statements, photos, and original report to the Police Chief's

Office through the affected bureau commander.

- a. Inspections Section will file the photographs and tapes with its copy of the Form 18F.
 11. If an additional investigation is required, note it on the supplement.
 12. The investigating supervisor will make a blotter entry describing the incident and action taken.
 13. Following each use of force investigation conducted by a supervising officer, an officer at the rank of lieutenant or higher will review the investigation, identify any discrepancies, and require the supervising officer who conducted the investigation to correct any such deficiencies. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervising officer fails to conduct a thorough investigation or fails to properly adjudicate an incident, or when a reviewing lieutenant neglects to recommend appropriate corrective action.
- G. Reporting Process for Use of Taser/Beanbag Shotgun/40mm Foam Round/PepperBall Launcher
1. Supervisors must complete a detailed Form 18TBFP, Use of Taser/Beanbag/40mm Foam Round/PepperBall after any officer uses one of the above devices. The Form 18TBFP must be completed whether or not an individual is struck with a beanbag, 40mm, or PepperBall round.
 - a. After each X26 Taser deployment, the investigating supervisor will retrieve the data stored on the X26 Taser data chip, print out the X26 Taser data port download and record the necessary information on the Form 18TBFP.
 - b. Complete a Form 18T, Taser Silhouette Report, for X26 Taser use and attach to the Form 18TBFP.
 - 1) Report any accidental discharges on a Form 17 and route via chain of command.
 - 2) Report any discharges at an animal on a Form 18A, Weapons Discharge at an Animal, and route via chain of command.
 - c. Facsimile the Form 18TBFP to the following locations:
 - 1) Police Chief's Office.
 - 2) Patrol Bureau.
 - 3) Inspections Section.
 - d. Send the original report and one copy to the district/section commander. After review, the district/section commander will

forward the original report to Inspections Section through the affected bureau commander.

- e. No supplementary report is necessary unless requested by the Police Chief or bureau commander.
 - f. The relief officer in charge is responsible for providing a media voice mail, as soon as possible after the incident, describing the incident and the use of the X26 Taser/beanbag shotgun/40mm foam round/PepperBall launcher.
2. The investigating supervisor will make a blotter entry describing the incident and action taken.

H. Reporting Process for an Injury to Prisoner

- 1. Supervisors will complete a Form 18I, Injury to Prisoner, for any injury to the arrested not the result of the use of force, while under or just prior to police control, and as a result of police activity, including the ingestion of contraband.
 - a. In the event of an incident wherein the underlying police use of force meets the threshold that requires an officer to complete a Form 18NC, Noncompliant Suspect/Arrestee Report, to document the incident, and the subject is injured or complains of injury as a result of the force, the incident will be investigated by a supervisor as an injury to prisoner and documented on a Form 18I.
- 2. The narrative section of the Form 18I will be brief and concise, containing the information in the Reporting Use of Force chart. If the incident also involved the use of chemical irritant, the narrative must address the circumstances warranting chemical irritant usage as well as the circumstances of the injury.
- 3. Facsimile the Form 18I to the following locations:
 - a. Police Chief's Office.
 - b. Patrol Bureau.
 - c. Inspections Section.
- 4. Forward the original Form 18I along with the photographs to the district/section/unit commander for review.
 - a. The district/section/unit commander will evaluate the propriety of the initial contact and the propriety of the use of force and will note his findings, in writing, on the Form 18I.
- 5. The investigating supervisor will make a blotter entry describing the incident and action taken.

I. Reporting Process for Use of Chemical Irritant

1. Supervisors will complete a Form 18CI when reporting the use of chemical irritant.
 - a. Facsimile copies to:
 - 1) Patrol Bureau.
 - 2) Inspections Section.
 - b. Forward the original report to the involved officer's assigned district/section/unit commander. After review, the district/section/unit commander will forward the original report to Inspections Section through the affected bureau commander.
 - c. Keep a copy for the unit files.
2. The investigating supervisor will make a blotter entry describing the incident and action taken.
3. Inspections Section will maintain and file all Forms 18CI.

J. Priority of Forms

1. If more than one act by an individual occurs, only one report is needed, e.g., use of force and a use of beanbag shotgun.
2. Listed below is the order in which a report is made, with "a" being the highest priority:
 - a. Use of Force
 - 1) Include X26 Taser/Beanbag Shotgun/40mm Foam Round/PepperBall information, if applicable.
 - 2) Include canine information, if applicable.
 - b. X26 Taser/Beanbag Shotgun/40mm Foam Round/PepperBall
 - 1) Include canine information, if applicable.
 - c. Canine.
 - d. Injury to Prisoner.
 - e. Chemical Irritant.
 - f. Noncompliant Suspect/Arrestee Report.

K. Documentation Needed for Each Form

1. Form 18F, Supervisor's Use of Force Investigation Report:
 - a. Taped statement.

- b. Photos.
 - c. Medical release (if treated).
 - d. Summary of doctor's diagnosis (if treated).
2. Form 18TBFP, Use of Taser/Beanbag/40mm Foam Round/PepperBall:
- a. Taped statement. (X26 Taser deployment is exempt from this requirement unless the subject was handcuffed at the time of use or unless there is a complaint of excessive force in conjunction with the use of force investigation.)
 - b. Photos.
 - c. Medical release (if treated).
 - d. Summary of doctor's diagnosis (if treated).
 - e. X26 Taser data port download, if applicable.
 - f. Form 18T with the X26 Taser use.
 - g. MVR tape, if applicable.
3. Form 18C, Use of Canine – Canine Bite:
- a. Taped statement.
 - b. Photos.
 - c. Medical release (if treated).
 - d. Summary of doctor's diagnosis (if treated).
4. Form 18CI, Use of Chemical Irritant:
- a. Short narrative.
 - b. No photos.
 - c. No taped statement unless subject was handcuffed at the time or unless there is an excessive force complaint in conjunction with the use of force investigation.
5. Form 18I, Injury to Prisoner:
- a. Photos.
 - b. No taped statement unless there is an excessive force allegation in conjunction with the use of force investigation.

- c. Brief, concise narrative to include information from the Reporting Use of Force chart.
- 6. Form 18NC, Noncompliant Suspect/Arrestee Report:
 - a. Brief, concise narrative of resistance met and force used.
 - b. Supervisory review before end of tour.
 - c. Copy for district files, original to Inspections Section.
 - d. No taped statement unless there is an excessive force allegation in conjunction with the use of force investigation.
- 7. Place all reports, attachments and other documentation in the Use of Force Case Jacket with the routing label attached and forward to the district/section/unit commander.
- L. Responsibilities of Inspections Section to insure policy and procedure compliance and implementation:
 - 1. Inspections Section will review, evaluate in writing, and submit for the Chief's approval all supervisor reported use of force, use of beanbag shotgun, 40mm foam round, PR-24, and all canine bites (except those causing serious injury or hospital admission).
 - 2. Inspections Section will review, evaluate, and submit for the Chief's approval all investigations of chemical irritant use on handcuffed individuals.
 - 3. Inspections Section will review all Forms 18NC for trends and training issues.

12.825 COMPENSATORY TIME AND PAID OVERTIME

Reference:

Cincinnati Municipal Code (CMC) - Chapter 308 - Employment Regulations
 FOP/City Labor Agreement - Sections 2, 8, 12, & 25
 AFSCME/City Labor Agreement - Articles 14 and 15
 CODE/City Labor Agreement – Article 15
 Procedure 12.815 - Court Appearance
 Procedure 12.820 - Compensation for Court Attendance and Hearings
 Procedure 12.826 - Processing Payroll/Timekeeping
 Procedure 16.130 - Non-sworn Employees' Daily Time Forms
 Payroll Storage System Users Manual

Definitions:

Increment Overtime - Overtime request for pay or time that is not planned. Increment overtime can only occur through a continuation of the tour of duty. It does not include overtime earned on off days or for court appearances.

Contingency Overtime - Overtime request for pay or time submitted in advance on a Form 17, Request for Paid Overtime. It is preplanned and pre-approved. Contingency overtime includes any overtime earned on off days, except for court appearances.

Reimbursable Overtime – Contingency overtime that requires payment from an outside source, i.e., Enterprise Services, grant monies, Ohio Department of Transportation, etc.

Purpose:

Establish a procedure for administering, documenting, and processing records concerning compensatory time.

Ensure compliance with the Fair Labor Standards Act (FLSA) for non-exempt sworn and non-exempt non-sworn employees, as mandated by federal statute.

Policy:

Court, Off/Dead, Increment, and Contingency are the only categories that are acceptable for the submission of paid overtime. Contingency overtime may only be used if it has been pre-approved by the Police Chief or is allocated in the current budget.

Avoid overtime whenever possible. All personnel will strive to reduce overtime hours worked.

Supervisors will consider the use of on-duty personnel or will adjust the employee's hours rather than scheduling overtime, if contractually permissible. Pertinent provisions of the contract dealing with shift separation and shift changes must also be considered.

A supervisor will pre-approve all scheduled, unscheduled, emergency, and non-emergency overtime.

Police Department personnel, both sworn and non-sworn, who work more than eight hours in one day or more than forty hours in one week (seven day period) will be compensated according to contract or memorandum of agreement.

All compensatory time will be recorded as directed in this procedure. Unrecorded overtime, such as accrued time, is strictly prohibited.

Department personnel will be compensated for holidays according to current Fraternal Order of Police (FOP), American Federation of State, County, and Municipal Employees (AFSCME), and Cincinnati Organized and Dedicated Employees (CODE) contracts, and CMC Section 308-9. Sworn personnel receive 120 hours compensatory time on January 1 each year instead of holiday pay. Holidays are treated as any other day.

Annually, each sworn member will have up to three compensatory hours deducted from their time and deposited in the FOP donated time bank. The amount of time deducted is at the discretion of the FOP President.

Personnel will be compensated only for increment overtime previously authorized by their supervisor, except in extreme emergencies.

Information:

FLSA exempt sworn employees include sergeants, lieutenants, captains, assistant chiefs, and the Police Chief. FLSA non-exempt sworn employees include police officers and specialists. FLSA non-exempt sworn employees are capped after accumulating 480 FLSA compensatory hours. This does not include the 120 hour annual holiday allowance. When the 480 hour cap is reached, all additional overtime, including compensatory time, is compensated by cash payment. The 480 hour cap is revolving. It does not end except when employment is terminated. All non-sworn employees, whether FLSA exempt or non-exempt, are capped after accumulating 80 FLSA compensatory hours. This includes all Division 1 and Division 0 personnel. All non-sworn employees will complete a Form 202C, Weekly Time Report. Employees whose working hours are listed on a daily line-up are not required to complete a Form 202.

Procedure:**A. Overtime Compensation**

1. Personnel working overtime will complete and submit a Form 68P, Overtime and Court Appearance Report, by the end of the next working day. Authorization must be given prior to working the overtime.
 - a. Check "Time" or "Pay" on the Form 68P.
 - b. In cases of increment overtime, the supervisor authorizing the overtime will sign the Form 68P in the "Overtime Pre-approved By" block. At the time of authorization, if the authorizing supervisor is physically unable to sign the Form 68P, authorization must be given in one of the following ways:
 - 1) Via MDT from the supervisor to the officer.
 - 2) Via radio if the officer has no access to an MDT.
 - 3) Via phone only when there is no immediate access to an MDT or radio.
 - a) If authorization is obtained by phone, the authorizing supervisor must sign the Form 68P in the "Overtime Pre-approved By" block prior to submission.
 - c. In cases of contingency or reimbursable overtime, such as details assigned by Detail Coordination Unit (DCU), preplanned City paid details, SWAT incidents, etc., no signature is required. However, the name of the unit, i.e., DCU, or the supervisor authorizing the overtime will be entered in the "Overtime Pre-approved By" block.
 - d. List scheduled duty hours in the "Duty Hours" block. The overtime hours are listed in the "Overtime Hours" block.
 - e. In the "Reason" block describe the activity requiring the overtime.
 - f. A supervisor will sign the "Verified By" line on the Form 68P after verifying the overtime worked and the accuracy and completeness of the form.

2. Report "Recall" as defined in the FOP and AFSCME labor agreements.
3. If overtime is contingency overtime, a Form 17, Request for Paid Overtime, must be previously approved.
4. The unit timekeeper will enter the overtime hours worked as outlined in the Payroll Storage System Users Manual.
 - a. File the Form 68P in the employee's individual time folder along with all Form 25S, Request for Leave of Absence.
5. The district/section/unit commander will review and approve all Forms 68P.

B. Form 435, Payroll Overtime Report

1. Each district/section/unit commander will review all usage of overtime as recorded on the Form 435 and note his approval in the space provided.
2. The original Form 435 will be forwarded to Finance Management Section.
 - a. Post a copy on the unit bulletin board for employee review.
 - b. Maintain a copy in the unit file.
3. Document "Recall" hours on a separate Form 435.
4. Other classes of paid overtime listed on a separate Form 435 include, but are not limited to:
 - a. Overtime, Emergency - state the specific reason.
 - b. Overtime, Interdepartmental Billing - details worked for other city departments.
 - c. Overtime, Position Vacancy.

Note: A Form 17 Request for Paid Overtime is required, if applicable.

C. Other Overtime

1. Court appearance compensation - refer to Procedures 12.815 and 12.820.
2. Holiday time
 - a. Compensate non-sworn employees who work on a holiday for pay at double their hourly rate in addition to the eight hours pay ordinarily received when working a non-holiday.
 - 1) Submit a Form 68P showing the scheduled duty hours in the "Duty Hours" and "Overtime Hours" blocks. The timekeeper will fill in the "Overtime for Pay" block showing the hours earned. Note "Worked Holiday" (specifying which holiday) in the "Reason" block.
3. All sworn members of the Department will receive any additional time declared for each special holiday throughout the year. The authority to grant a special holiday rests with the City Manager.

D. Transfer of Personnel

1. Units transferring personnel in or out of a unit will ensure that all Forms 25S and Forms 68P have been entered. The procedure outlined in the Automated Comp-Time Program User's Manual will then be followed.

**Ezzard Charles Apartments
845 Ezzard Charles Drive
Cincinnati, Ohio 45203**

October 3, 2005

Sgt. Ken Isham
Cinti Police Division
District One
310 Ezzard Charles Drive
Cincinnati, OH 45214

Sgt. Isham:

With our police detail completed, I wanted to take a minute to let you know how much I, personally and we, as a business, appreciate your diligence in both supervising and working within our apartment community over the past year.

Your immeasurable experience and applicable knowledge has truly been a valuable part of the overall efforts being made to improve the livability of our urban neighborhood.

Sometimes it's nice to share feedback offered by persons that have been positively affected by your efforts- here are some of the things I've heard from both staff members and residents regarding the provided services:

- There has been an obvious reduction of uninvited pedestrian traffic in and around our parking areas, building exteriors and breezeways; having a well-run detail has discouraged the criminal element from invading our venue; for those individuals that "just can't catch on" after being warned previously, you were able to provide quick, decisive arrests and prosecution;
- We have observed magnificent attention to detail provided by yourself and your team when incidents occur within our community that require follow up;
- Observation of community spirit that prevails when people (residents) gain confidence in their ability to make a difference, initiated by your encouragement and your team's visibility;
- The consistent, responsible manner in which you have provided detail coverage as requested.

Once again, thank you for everything! I look forward to working with you in the future.

Sincerely,

Marianne Lawrence
Property Manager
Ezzard Charles Apartments

Cc; Lt. M. Vennemeier, District One Commander
Mr. K. Sharkey, The Medve Group, Inc.

ERNIE FLETCHER
GOVERNOR



COMMONWEALTH OF KENTUCKY
FRANKFORT, KY 40601

October 6, 2005

Colonel Thomas Streicher, Jr.
310 Ezzard Charles Drive
Cincinnati, OH 45214

Dear Colonel Streicher:

Glenna and I extend our personal thanks for the expert assistance we received while visiting in your area on Sunday. The escort provided was very much appreciated. Patrolmen Chris Thomas, Derrick Hill, William Fagan, Terry Pierano and their efforts on our behalf were invaluable.

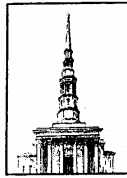
The experience and attention to detail made our trip and its necessary security procedures run smoothly. We are grateful for the courtesy and competence exhibited in all circumstances.

It is always gratifying to experience professionalism of this caliber, and especially during a hectic schedule. Please extend our thanks to your staff. We look forward to visiting northern Kentucky again soon.

Sincerely,

A handwritten signature in cursive script, reading "Ernie Fletcher".

Ernie Fletcher



CATHEDRAL OF ST. PETER IN CHAINS

325 West Eighth Street / Cincinnati, Ohio 45202 - 1977 / Phone: 513 - 421 - 5354 / Fax: 513 - 241 - 9517

October 4, 2005

Colonel Thomas H. Streicher, Jr.
Police Chief
Cincinnati Police Department
310 Ezzard Charles Drive
Cincinnati, OH 45214

Dear Colonel Streicher,

On Sunday, September 24 we celebrated a Mass at St. Peter in Chains Cathedral to honor and pray for the police and fire safety personnel of Hamilton County. We were assisted in the planning and execution of this Mass by several individuals from your department. Without their help we would not have been able to properly execute our idea.

It is with tremendous gratitude that we would like to offer our thanks to Captain Gary Lee, the Police Department's Honor Guard, District One Personnel, and the Mounted Patrol. Captain Lee, in particular, was most helpful in the planning of the event. He gave many hours and good insight as we worked out the details of the event. We would appreciate your sharing our note of appreciation with these individuals.

We are looking forward to repeating this event next year. With this year's experience to build upon, we feel that we will be better able to attract a larger participation in the future.

Thank you for your support and that of the above mentioned individuals from your office.

Sincerely,

Lynn S. Martiny
Committee Member

MOMS Club.



of Cincinnati-Green Township, OH

October 1, 2005

Chief Streicher:

On behalf of the MOMS Club, I wanted to express my sincere appreciation to you and your staff. On September 21, the Cincinnati Police gave a demonstration/presentation for our club at Rapid Run Park, and it was terrific!!! I was so impressed with the professionalism, enthusiasm, and patience of all of the officers. Our children are still talking about how much fun they had, and moms are still approaching me to let me know how much they enjoyed the September event with the police.

Please give a special thanks to all of the officers that were present: Officer Robin White and Officer Kahlya Derkson from District 3, Sgt. Daniel Hils and Officer Tim Pappas (with K-9 laser) from the K-9 Unit, Officer Brian Hoehler and Officer Terrance Sherman from Parks, and Officer Brett Gleckler with his horse, Alex.

I am proud to have the Cincinnati Police protecting us, and I think you are all doing a fantastic job! Keep up the good work.

Sincerely,

Peggy Myers, Co-President
MOMS Club of Cincinnati-Green Township, Ohio
3733 Frondorf Ave.
Cincinnati, OH 45211
574-0925
PeggyMyers@cinci.rr.com

October 9, 2005

Police Chief Thomas H. Streicher, Jr.,
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Chief Streicher:

On September 30, 2005, my family was devastated by the sudden and unexpected death of my brother, Floyd B. Lanter Jr. For the first time in my life I felt helpless and alone, in part, because I did not have my brother to go to for advice and direction. I knew my family was one less, and believed that our family structure had weakened.

However, that changed in the days following Floyd's death by the outpouring of love, respect, and support, from members of my other family, the Cincinnati Police Department. The efforts of the Cincinnati Police Department transformed my family's anxiety and sadness into the comfort of knowing that they were part of a much larger family.

I wish I could personally thank everyone that came and celebrated my brother's life with my family, but I know that it would not be possible in this correspondence; however, I want each of them to know how deeply we appreciate their love and support. Additionally, I would like to acknowledge the following for their special contributions that made Floyd's services a lasting memory for our family: Lieutenant Colonel James L. Whalen, Cincinnati Police Color Guard, Cincinnati Police Event Planning Staff, Cincinnati Police Mounted Patrol, Cincinnati Police Motorcycle Escort, F.O.P., and all Cincinnati Police officers that carried out their duties on traffic posts in an exemplary manner. I would like to offer a special appreciation to Chief Streicher for his contribution and friendship, which made Floyd's services possible.

For over thirty-eight years, Floyd was proud to be a member of the finest law enforcement agency in the nation. Floyd loved the Department and served it well. I was fortunate to work with Floyd and share his love for the Department and its members. Although Floyd is gone, I will carry on our proud tradition in his memory.

Please take care of each other realizing how precious life is and how quickly it can be taken away. Again, my deepest heart felt appreciation

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Lanter", written over a horizontal line.

Tom Lanter and Family